

aw



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,161	11/30/2001	Leif Norlander	611-53	8113

23117 7590 11/18/2003

NIXON & VANDERHYE, PC  
1100 N GLEBE ROAD  
8TH FLOOR  
ARLINGTON, VA 22201-4714

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
----------	--------------

3721

DATE MAILED: 11/18/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/980,161

Applicant(s)

NORLANDER ET AL.

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Newly submitted claims 17-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Inventions Group I (claims 11-16) and Group II (claims 17-20) are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as one without the holding on tool is used, which holding on tool is essentially planar in an area corresponding to the location of the creasing device.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, the new product claims 17-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIlvain et al. (3,526,566).

McIlvain discloses a method of creasing a packaging laminate manufactured from fibers which packaging laminate comprises a bulk promoting layer and on at least one side of the bulk layer at least one side layer; the side layer and the bulk layer being directly or indirectly joined to each other over essentially their entire surfaces facing each other, see for example (Figs. 6-12); the method comprising forming a crease consisting of a single crease line by a single creasing device being pressed down in a first side of the laminate (Figs. 1 and 2) while, on the other side of the laminate, which is opposite to the first side (Figs. 1 and 2; via mail die member 13); a holding tool (Figs. 1 and 2; via female die member 10 and backing plate 11) is used which holding on tool is essentially planar in an area corresponding to the location of the stamping device (Figs. 1 and 2); whereby the single crease line is formed in which the network structure of the bulk promoting layer is weakened and compressed while the laminate is kept essentially planar on the opposite side in the area of the crease line, so that the weakening and compression enables the side layer to sink down into the bulk promoting layer in the crease line when folding the packaging laminate in the crease line, see fore example (Figs. 1, 2, and 6; note that Fig. 6 point out to Fiber Lines of blank for a paperboard carton). McIlvain does not disclose that the bulk layer consists of a structure of cellulose fibers. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified McIlvain's method by having the bulk layer consists of a structure of cellulose fibers, as a matter of engineering design choice, since the examiner takes an official notice that the bulk layer consists of a structure of cellulose fibers is old, well known, and available in the art. Note that McIlvain already using fiber.

Art Unit: 3721

Regarding claims 12-15: McIlvain does not disclose exactly the bulk layer is 40-95% consists of cellulose fibers, freeness of 550-950ml CSF, the laminate has a bending stiffness greater than 2.5 but less than 14  $\text{Nm}^7/\text{Kg}^3$ ; 60% of the bulk layer consists of fibers with a freeness value greater than 600 ml CSF, a bending stiffness index greater than 3.0  $\text{Nm}^7/\text{Kg}^3$  or more preferred at least 60% of the bulk layer consist of fibers with a freeness value greater than 650 ml CSF, most preferred at least 700, but less than 850 ml CSF. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified McIlvain's method by having the bulk layer is 40-95% consists of cellulose fibers, freeness of 550-950ml CSF, the laminate has a bending stiffness greater than 2.5 but less than 14  $\text{Nm}^7/\text{Kg}^3$ ; 60% of the bulk layer consists of fibers with a freeness value greater than 600 ml CSF, a bending stiffness index greater than 3.0  $\text{Nm}^7/\text{Kg}^3$  or more preferred at least 60% of the bulk layer consist of fibers with a freeness value greater than 650 ml CSF, most preferred at least 700, but less than 850 ml CSF, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claim 16: the laminate being folded in the crease line (27) towards the first side of the laminate (Figs. 8 and 9).

### ***Response to Arguments***

Applicant's arguments filed 6/26/2003 have been fully considered but they are not persuasive.

Applicants argue in page 11 of the arguments that Mcilvain describes the use of several spaced apart creasing tools to create a single crease line and this would lead one of ordinary skill

Art Unit: 3721

away from the present invention, which requires the use of a single creasing device. The examiner believes as disclosed by Mcilvain (Figs. 1-3) it is old and known in the art of using a single creasing device, therefore, it would be obvious to one of ordinary skill in the art to use single creasing device. Moreover, the examiner still believes that Mcilvain using a single creasing device as disclosed in Fig. 5 and 6, note that it is a single creasing device with two creasing rule 16 connected via shaft (Fig. 5), but still consider as a single creasing device and each one of these creasing rule 16 can be considered as single crease device for creating a single crease line.

Applicants further argue that Mcilvain only describes creasing of a paperboard blank, and does not mention any side layer. The examiner believes that Mcilvain discloses creasing of a paperboard blank with some fiber (Fig. 6, Fiber lines), which the top line could be considered as side layer.

Applicants argue that Mcilvain discloses that compression of the paperboard is undesired. The examiner believes Mcilvain clearly compresses on the paperboard (Figs. 1-3 and 6). Applicants further argue that Mcilvain does not lead one of ordinary skill in this art to the concept of using a creasing device having a planar holding on tool nor to select a bulk promoting layer having a structure of cellulose fibers. The examiner believes that Mcilvain clearly discloses a planar holding on tool (Figs. 1 and 2; via 10 and 11 and Fig. 6; via 15). The examiner still believes since Mcilvain discloses in Fig. 6 a fiber lines, it would be just a matter of engineering design choice modifying Mcilvain of using Cellulose fibers instead, the examiner also takes an official notice that the bulk layer consists of a structure of cellulose fibers is old, well known, and available in the art.

Art Unit: 3721

Further the applicants argue that in Figs. 1 and 2 of Mcilvain show a female die member having a recess which makes it non planar. The examiner believes that Mcilvain discloses a planar holding on tool (Fig. 6, via 15) with a single creasing device with two creasing rule 16.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

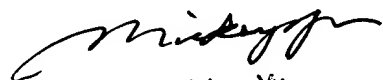
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.

  
Mickey Yu  
Supervisory Patent Examiner  
Group 3700